

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**  
**SPECIAL CIVIL APPLICATION No. 1306 of 2006**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE A.M.KAPADIA**

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**PRAJAPATI GANDABHAI TULSIBHAI THR' POWER OF ATTORNEY  
HOLDER - Petitioner(s)**  
**Versus**  
**MANUBHAI BHOLIDAS PRAJAPATI - Respondent(s)**

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**Appearance :**

MR.J S.SADHWANI for Petitioner(s) : 1,  
RULE NOT RECD BACK for Respondent(s) : 1,  
MR PINAKIN M RAVAL for Respondent(s) : 1,

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**CORAM : HONOURABLE MR.JUSTICE A.M.KAPADIA**

**Date : 27/07/2006**

**ORAL JUDGMENT**

1. Mr. J.S.Sadhwani, learned advocate of the Petitioner, upon instructions received from the Petitioner seeks leave to withdraw the petition with a request that appropriate direction for expeditious hearing of Regular Civil Suit No. 95 of 2004, which is pending in the Court of learned Civil Judge (JD), Kalol may be issued in view of the fact that the dispute is with regard to the right of use of the land between the Plaintiff and the Defendant, who are the real brothers.

2. Mr. Pinakin M. Rawal, learned advocate for the

Respondent has no objection is leave as prayed for is granted.

3. Leave to withdraw the petition is granted. Petition stands disposed of as it is withdrawn. Rule as well as Notice as to Interim Relief shall stand discharged.

4. On the facts and in the circumstances emerging from the record of the case and more particularly when the dispute is with regard to the right of use of the land between the Plaintiff and the Defendant, who are the real brothers, the learned Civil Judge (JD), Kalol is directed to give top priority to the hearing of Regular Civil Suit No. 95 of 2004 and decide the same as early as possible and preferably on or before 31.12.2006. It is expected of both the parties to cooperate with the learned Civil Judge (JD), Kalol for expeditious disposal of the Suit.

(A.M.Kapadia, J)